

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

Ricardo GUZMAN-Ovares,

Defendant

Magistrate Docket No.

08 FEB 25 PM 12:01
08 MJ 0549
CLERK OF DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

COMPLAINT FOR VIOLATION OF:

BY: CP DEPUTY

Title 8, U.S.C., Section 1326
Deported Alien Found in the
United States

The undersigned complainant, being duly sworn, states:

On or about **February 23, 2008** within the Southern District of California, defendant, **Ricardo GUZMAN-Ovares**, an alien, who previously had been excluded, deported and removed from the United States to **Guatemala**, was found in the United States, without the Attorney General or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8 United States Code, Section 1326.

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.



SIGNATURE OF COMPLAINANT

Ismael Canto

Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS **25th** DAY OF **FEBRUARY 2008**.



Nita L. Stormes

UNITED STATES MAGISTRATE JUDGE

CONTINUATION OF COMPLAINT:**Ricardo GUZMAN-Ovares****PROBABLE CAUSE STATEMENT**

I declare under the penalty of perjury that the following statement is true and correct:

On February 23, 2008, at approximately 4:20 p.m., Senior Patrol Agent J. Murphy was performing line watch duties in the Imperial Beach Station's area of responsibility. The Remote Video Surveillance System Operator notified Agent Murphy that he observed an individual entering the United States from Mexico by climbing over the International Boundary fence. Agent Murphy responded to the area, which is located approximately two miles east of the San Ysidro, California Port of Entry, and began to search the area.

While searching the area, Agent Murphy discovered an individual attempting to conceal himself in the undercarriage of a tractor trailer. Agent Murphy identified himself as a Border Patrol Agent and conducted an immigration interview. The individual, later identified as the defendant **Ricardo GUZMAN-Ovares**, freely admitted that he had just entered illegally from Mexico and that he did not possess any immigration documents to be or remain in the United States legally. At approximately 4:35 p.m., Agent Murphy placed the defendant under arrest and transported him to the Imperial Beach Border Patrol Station for processing.

Routine record checks of the defendant revealed a criminal and immigration history. The defendant's record was determined by a comparison of his criminal record and the defendant's current fingerprint card. Official immigration records of the Department of Homeland Security revealed the defendant was previously deported to **Guatemala** on **December 11, 2007** through **Phoenix, Arizona**. These same records show that the defendant has not applied for permission from the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security, to return to the United States after being removed.

The defendant was advised of his Miranda rights. The defendant stated that he understood his rights and was willing to answer questions without an attorney present. The defendant admitted that he is a citizen and national of Mexico illegally present in the United States. The defendant further admitted that he had been previously deported from the United States and has not applied or requested permission to re-enter the United States legally.